

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:11-cv-20450-MGC**

Bonilla v. United States Department of Justice et al
Assigned to: Judge Marcia G. Cooke
Referred to: Magistrate Judge William C. Turnoff
Cause: 05:0552 Freedom of Information Act

Date Filed: 02/09/2011
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Mario Simbaqueba Bonilla
Prisoner ID: 78997-004

represented by **Mario Simbaqueba Bonilla**
78997-004
McRae C.C.A. Correctional Facility
P.O. Drawer 30
McRae, GA 31055
PRO SE

V.

Defendant

United States Department of Justice

represented by **Carole M. Fernandez**
United States Attorney's Office
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99 NE 4th Street
Miami, FL 33132
305-961-9333
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Secret Service
TERMINATED: 01/24/2012

represented by **Carole M. Fernandez**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2011	<u>1</u>	COMPLAINT for Declaratory Judgement and Injunctive Relief against United States Department of Justice, United States Secret Service. Filing fee \$ 350.00. IFP Filed, filed by Mario Simbaqueba Bonilla. (Attachments: # <u>1</u> Civil Cover Sheet)(yha) (Entered: 02/09/2011)
02/09/2011	<u>2</u>	Judge Assignment RE: Electronic Complaint to Judge Marcia G. Cooke (yha) (Entered: 02/09/2011)
02/09/2011	<u>3</u>	MOTION for Leave to Proceed in forma pauperis by Mario Simbaqueba Bonilla. (yha) (Entered: 02/09/2011)
02/14/2011	<u>4</u>	Notice of Similar Actions and Procedures by Mario Simbaqueba Bonilla (asl) (Entered: 02/14/2011)
04/25/2011	<u>5</u>	ORDER granting <u>3</u> Motion for Leave to Proceed in forma pauperis and directing service by U.S. Marshal. Signed by Judge Marcia G. Cooke on 4/25/2011. (tm) (Entered: 04/25/2011)
04/25/2011	<u>6</u>	ORDER REFERRING CASE to Magistrate Judge William C. Turnoff for Pretrial Proceedings. Signed by Judge Marcia G. Cooke on 4/25/2011. (tm) (Entered: 04/25/2011)

04/25/2011	<u>7</u>	Order Requiring Joint Scheduling Report. Signed by Judge Marcia G. Cooke on 4/25/2011. (tm) (Entered: 04/25/2011)
04/25/2011	<u>8</u>	ORDER OF INSTRUCTIONS TO PRO SE LITIGANT. Signed by Judge Marcia G. Cooke on 4/25/2011. (tm) (Entered: 04/25/2011)
05/03/2011	<u>9</u>	Summons Issued as to United States Department of Justice, United States Secret Service, U.S. Attorney and U.S. Attorney General (asl) (Entered: 05/04/2011)
05/25/2011	<u>10</u>	SUMMONS (Affidavit) Returned Executed as to the Honorable Wilfrido Ferrer, United States Attorney for the Southern District of Florida served on 5/19/2011, answer due 7/18/2011. (jua) (Entered: 05/25/2011)
05/26/2011	<u>11</u>	SUMMONS (Affidavit) Returned Executed United States Secret Service served on 5/16/2011, answer due 7/15/2011. (ar2) (Entered: 05/26/2011)
05/26/2011	<u>12</u>	SUMMONS (Affidavit) Returned Executed as to Eric Holder, Attorney General of the United States, Department of Justice served on 5/12/2011, answer due 7/11/2011. (ar2) (Entered: 05/26/2011)
06/20/2011	<u>13</u>	MOTION for Extension of Time to File Answer RE: Complaints re <u>1</u> Complaint by United States Department of Justice, United States Secret Service. (Attachments: # <u>1</u> Text of Proposed Order granting motion)(Fernandez, Carole) (Entered: 06/20/2011)
06/24/2011	<u>14</u>	ORDER granting <u>13</u> Motion for Extension of Time to respond to Complaint. Defendants must respond to the Complaint on or before 7/12/2011. Signed by Magistrate Judge William C. Turnoff on 6/24/11. (lml) (Entered: 06/24/2011)
07/12/2011	<u>15</u>	ANSWER and Affirmative Defenses to Complaint by United States Department of Justice.(Fernandez, Carole) (Entered: 07/12/2011)
07/12/2011	<u>16</u>	MOTION for Extension of Time to File Answer RE: Complaints re <u>1</u> Complaint by United States Secret Service. (Attachments: # <u>1</u> Text of Proposed Order)(Fernandez, Carole) (Entered: 07/12/2011)
07/14/2011	<u>17</u>	ORDER granting <u>16</u> Motion for Extension of Time to Respond RE: Complaint. United States Secret Service's response due by 7/15/2011. Signed by Magistrate Judge William C. Turnoff on 7/14/11. (lml) (Entered: 07/14/2011)
07/15/2011	<u>18</u>	MOTION to Dismiss <u>1</u> Complaint by United States Secret Service. Responses due by 8/1/2011 (Attachments: # <u>1</u> Affidavit of Craig W. Ulmer with attached exhibits, # <u>2</u> Text of Proposed Order)(Fernandez, Carole) (Entered: 07/15/2011)
07/27/2011	<u>19</u>	RESPONSE in Opposition re <u>18</u> MOTION to Dismiss <u>1</u> Complaint filed by Mario Simbaqueba Bonilla. (jua) (Entered: 07/27/2011)
08/08/2011	<u>20</u>	REPLY to Response to Motion re <u>18</u> MOTION to Dismiss <u>1</u> Complaint filed by United States Secret Service. (Fernandez, Carole) (Entered: 08/08/2011)
09/30/2011	<u>21</u>	ORDER TO SHOW CAUSE AND ADMINISTRATIVELY CLOSING CASE. Show Cause Response due by 10/7/2011.. Signed by Judge Marcia G. Cooke on 9/30/2011. (tm) (Entered: 09/30/2011)
10/05/2011	<u>22</u>	RESPONSE to <u>21</u> Order to Show Cause by Mario Simbaqueba Bonilla. (jua) (Entered: 10/05/2011)
10/12/2011	<u>23</u>	ORDER REOPENING CASE upon good cause shown. Signed by Judge Marcia G. Cooke on 10/12/2011. (scy) (Entered: 10/12/2011)
01/24/2012	<u>24</u>	ORDER granting <u>18</u> Motion to Dismiss. Signed by Judge Marcia G. Cooke on 1/24/2012. (tm) (Entered: 01/24/2012)
01/24/2012	<u>25</u>	ORDER TO SHOW CAUSE Show Cause Response due by 2/6/2012.. Signed by Judge Marcia G. Cooke on 1/24/2012. (tm) (Entered: 01/24/2012)
02/02/2012	<u>26</u>	Clerk's Notice of Undeliverable Mail re <u>25</u> Order to Show Cause, <u>24</u> Order on Motion to Dismiss. US Mail returned for: return to sender not deliverable as address unable to forward. <i>The Court has not located an updated address for this party. After two unsuccessful noticing attempts, notices from the Court will no</i>

		<i>longer be sent to this party in this case until a correct address is provided.</i> US Mail returned for Mario Bonilla First return/attempt (rb) (Entered: 02/02/2012)
02/06/2012	<u>27</u>	NOTICE of Change of Address by Mario Simbaqueba Bonilla (System updated) (ar2) (Entered: 02/07/2012)
02/07/2012	<u>28</u>	RESPONSE/REPLY to <u>25</u> Order to Show Cause by United States Department of Justice. (Fernandez, Carole) (Entered: 02/07/2012)
02/08/2012	29	*Endorsed Order Directing Defendant to File Papers. Upon review of Defendant Department of Justice's Response to this Court's Order to Show Cause, this Court directs Defendant DOJ to file a motion to dismiss or for summary judgment on or before February 10, 2012. Signed by Judge Marcia G. Cooke on 2/8/2012. (scy) (Entered: 02/08/2012)
02/09/2012	<u>30</u>	MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM , MOTION for Summary Judgment by United States Department of Justice. Responses due by 2/27/2012 (Attachments: # <u>1</u> Affidavit of Patricia Reiersen with exhibits, # <u>2</u> Affidavit of John E. Cunningham III with exhibits)(Fernandez, Carole) (Entered: 02/09/2012)
02/29/2012	<u>31</u>	MOTION for Extension of Time to File Response as to <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment by Mario Simbaqueba Bonilla. (cqs) (Entered: 03/01/2012)
03/05/2012	32	ENDORSED ORDER granting <u>31</u> Plaintiff's Motion for Extension of Time to File Response to <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment . Responses are due by 3/14/2012. Replies due by 3/26/2012. Signed by Judge Marcia G. Cooke on 3/5/2012. (scy) (Entered: 03/05/2012)
03/05/2012	<u>33</u>	RESPONSE in Opposition Re: <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM or MOTION for Summary Judgment filed by Mario Simbaqueba Bonilla. (ar2) (Entered: 03/06/2012)
03/12/2012	<u>34</u>	REPLY to Response to Motion re <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment filed by United States Department of Justice. (Fernandez, Carole) (Entered: 03/12/2012)
03/14/2012	<u>35</u>	MOTION to Strike in Part Defendant's Declarations (DE-30-1) (DE-30-2) Re: <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM by Mario Simbaqueba Bonilla. Responses due by 4/2/2012 (ar2) (Entered: 03/14/2012)
03/14/2012	<u>36</u>	NOTICE of Filing Discovery: First Request for Production of Documents (Fed.R.Civ.P 34) by Mario Simbaqueba Bonilla (ar2) (Entered: 03/14/2012)
03/14/2012	<u>37</u>	MOTION/Supplement for Continuance of <u>30</u> Motion for Summary Judgment, to Permit Discovery Pursuant Fed.R.Civ.P 56 (d) by Mario Simbaqueba Bonilla. Responses due by 4/2/2012 (ar2) (Entered: 03/14/2012)
03/14/2012	<u>38</u>	NOTICE of Filing Discovery: Plaintiff's First of Interrogatories to Defendant (Fed.R.Civ.P. 33) by Mario Simbaqueba Bonilla (ar2) (Entered: 03/14/2012)
03/15/2012	<u>39</u>	MOTION to Compel <i>Department of Justice to File a Vaughn Index</i> by Mario Simbaqueba Bonilla. Responses due by 4/2/2012 (cqs) (Entered: 03/15/2012)
03/15/2012	<u>40</u>	NOTICE Of Filing : Discovery, Plaintiff's Second Set Of Interrogatories by Mario Simbaqueba Bonilla (cqs) (Entered: 03/15/2012)
03/15/2012	<u>41</u>	(STRUCK by DE# 60 .) Second Request For Production of Documents by Mario Simbaqueba Bonilla. (cqs) Modified to reflect "struck" on 6/18/2012 (wc). (Entered: 03/15/2012)
03/16/2012	<u>42</u>	MOTION to Preserve Evidence by Mario Simbaqueba Bonilla. (jua) (Entered: 03/16/2012)
03/19/2012	<u>43</u>	NOTICE of Filing Discovery/First Set of Request for Admissions, by Mario Simbaqueba Bonilla.(jua) (Entered: 03/20/2012)

03/27/2012	<u>44</u>	RESPONSE in Opposition re <u>35</u> MOTION to Strike, <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment filed by United States Department of Justice. (Fernandez, Carole) (Entered: 03/27/2012)
03/29/2012	<u>45</u>	RESPONSE in Opposition re <u>39</u> MOTION to Compel <i>Department of Justice</i> <i>ot File a Vaughn Index</i> filed by United States Department of Justice. (Fernandez, Carole) (Entered: 03/29/2012)
04/02/2012	<u>46</u>	RESPONSE in Opposition re <u>37</u> MOTION to Continue filed by United States Department of Justice. (Fernandez, Carole) (Entered: 04/02/2012)
04/02/2012	<u>47</u>	MOTION for Protective Order by United States Department of Justice. (Fernandez, Carole) (Entered: 04/02/2012)
04/02/2012	<u>48</u>	RESPONSE in Opposition re <u>42</u> MOTION to Preserve Evidence filed by United States Department of Justice. (Fernandez, Carole) (Entered: 04/02/2012)
04/11/2012	<u>49</u>	RESPONSE in Opposition to <u>47</u> MOTION for Protective Order filed by Mario Simbaqueba Bonilla. (ar2) (Entered: 04/12/2012)
04/12/2012	<u>50</u>	OMNIBUS REPLY in Support of <u>37</u> MOTION for Continuance of Summary Judgment, <u>35</u> MOTION to Strike, <u>39</u> MOTION to Compel, and <u>42</u> MOTION to Preserve Evidence filed by Mario Simbaqueba Bonilla. (ar2) (Entered: 04/12/2012)
04/21/2012	<u>51</u>	REPLY to Response to Motion re <u>47</u> MOTION for Protective Order filed by United States Department of Justice. (Fernandez, Carole) (Entered: 04/21/2012)
05/23/2012	52	*Endorsed Order Directing DOJ to File Supplemental Brief. DOJ shall file, on or before May 30, 2012, a supplemental brief providing analysis of its construction of the sixty-day appeal period as consisting of calendar days, not business days, and provide a basis for this Court to determine whether this interpretation of the regulation reflects the agency's fair and considered judgment or long-standing practice. Signed by Judge Marcia G. Cooke on 5/23/2012. (scy) (Entered: 05/23/2012)
05/25/2012	<u>53</u>	ORDER granting in part and denying in part <u>35</u> Plaintiff's MOTION to Strike in Part Defendant's Declarations. Signed by Judge Marcia G. Cooke on 5/25/2012. (scy) (Entered: 05/25/2012)
05/25/2012	<u>54</u>	ORDER denying <u>37</u> Plaintiff's Motion for Continuance of Summary Judgment to Permit Discovery; denying <u>39</u> Plaintiff's Motion to Compel DOJ to file a Vaughn Index; granting <u>47</u> Defendant's Motion for Protective Order. Signed by Judge Marcia G. Cooke on 5/25/2012. (scy) (Entered: 05/25/2012)
05/30/2012	<u>55</u>	SUPPLEMENT to <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment by United States Department of Justice (Attachments: # <u>1</u> Affidavit of of Janice Galli McLeod with exhibit A)(Fernandez, Carole) (Entered: 05/30/2012)
06/06/2012	<u>56</u>	MOTION/Request for Hearing with Incorporated Memorandum of Law Re: <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM by Mario Simbaqueba Bonilla. (ar2) (Entered: 06/07/2012)
06/08/2012		SYSTEM ENTRY – Docket Entry 57 [motion] restricted/sealed until further notice. (nc) (Entered: 06/08/2012)
06/08/2012	<u>58</u>	Statement of Material Facts as to which there Exists a Genuine Issue in Opposition to <u>30</u> Defendant's Motion for Summary Judgment by Mario Simbaqueba Bonilla (ar2) (Entered: 06/08/2012)
06/11/2012	<u>59</u>	RESPONSE in Opposition Re: <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM, MOTION for Summary Judgment filed by Mario Simbaqueba Bonilla. (ar2) (Entered: 06/12/2012)
06/15/2012	<u>60</u>	ORDER striking <u>41</u> Motion to Produce. Signed by Magistrate Judge William C. Turnoff on 6/15/2012. (gct) (Entered: 06/15/2012)

06/15/2012	<u>61</u>	REPLY to Response to Motion re <u>30</u> MOTION TO DISMISS <u>1</u> Complaint FOR FAILURE TO STATE A CLAIM MOTION for Summary Judgment filed by United States Department of Justice. (Fernandez, Carole) (Entered: 06/15/2012)
06/19/2012		SYSTEM ENTRY – Docket Entry 62 [order] restricted/sealed until further notice. (ra) (Entered: 06/19/2012)